

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

MAY 2, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
APRIL 18, 2007 REGULAR MEETING**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENT CONCERNING THE
BUDGET TO ALLOW FOR EXPENDITURE OF UNANTICIPATED
REVENUE IN THE CIVIC CENTER BUDGET. (Communication No. 07-228 being
held in Committee of the Whole) Proof of publication

SECTION II PUBLIC HEARING

FOR THE PURPOSE OF HEARING COMMENTS REGARDING
PRIORITIZATION ON PROJECTS FOR ALLOCATION OF COMMUNITY
TRANSPORTATION ENHANCEMENT PROGRAM FUNDS. (Communication
No. 07-249 being held in Committee of the Whole) Proof of publication.

SECTION III

PRESENTATION COMMUNICATION NO. 07-225

Brad Borst, Montana Wilderness Associations, requesting time on the 5/2/07 agenda to make an informational presentation.

SECTION IV

PRESENTATION COMMUNICATION NO. 07-285

Mark and Scott Thompson, SMT Holdings, LLC, requesting Hard Rock Mining Funds and time on 5/2/07 agenda to make a presentation on the Montana Freeport Center. Proof of publication

SECTION V

CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. PERSONNEL COMMITTEE MEETING REPORT

B. PETITIONS

- 1. 07-4 John Harrington, Building Official, requesting on behalf of Jane Hurlbert, to close and vacate Wynne Avenue adjacent to Lots 1 and 36 of Block 5 and lots 18 and 19 of Block 4 of the Bellevue Addition. **Recommendation: refer to Public Works Committee.**

C. COMMUNICATIONS

- 1. 07-263 Lori Casey, Senior Planner, requesting conditional approval of the preliminary plat of the Sunset North Major Subdivision. **Recommendation: concur and place on file.**
- 2. 07-264 Jack Cullen, Chief Floral Park VFD, requesting approval for Floral Park VFD to apply for the 2007 FEMA Grant for a new mini pumper. **Recommendation: concur and place on file.**
- 3. 07-265 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 4. 07-266 Gary Keeler, Transit Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee**

5. 07-267 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
6. 07-268 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
7. 07-269 John C. VanDaveer, Public Works Director, requesting authorization for Chief Executive to execute Letter of Agreement with Teamsters Union Local No. 2. **Recommendation: concur and place on file.**
8. 07-270 Ellen Crain, Archives Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
9. 07-271 Jean Pentecost, Water Utility, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
10. 07-272 M. N. Herzog, regarding Council's taking a stand on the war in Iraq. **Recommendation: note and place on file.**
11. 07-273 Paul Babb, Chief Executive, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
12. 07-274 Linda Sajor, Director MIS, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
13. 07-275 Bob Rowling, Parks and Recreation Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
14. 07-276 Virginia Hanson, Risk Management Coordinator, requesting authorization for Chief Executive to sign a maintenance agreement with Montana Tech in regard to routine maintenance of the "M". **Recommendation: concur and place on file.**
15. 07-277 Paul Babb, Chief Executive, requesting concurrence in reappointments to the Parks and Recreation Board. **Recommendation: concur and place on file.**

16. 07-278 Dan Dennehy, Health Officer, requesting approval of line item budget transfers. **Recommendation: refer to the Finance and Budget Committee.**
17. 07-279 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to sign contract with Norman DeNeal for the services of Urban Forester **Recommendation: concur and place on file.**
18. 07-280 Tim Clark, Personnel Director, requesting approval of line item budget transfers: **Recommendation: refer to Finance and Budget Committee.**
19. 07-281 Paul Babb, Chief Executive, requesting time on the 5/9/07 agenda to do a presentation on the State of the Community. **Recommendation: hold in Committee of the Whole for 5/9/07 for presentation.**
20. 07-282 Rick Griffith, Airport Manager, requesting authorization for Chief Executive to sign 2007 renewal contract with Department of Defense. **Recommendation: concur and place on file.**
21. 07-283 Brad Newman, District Court Judge, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
22. 07-284 Lori Maloney, Clerk of the Court, requesting council schedule public hearing for 5/16/07 concerning unanticipated revenue in the Clerk of the Court Budget. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
23. 07-286 Bob McCarthy, County Attorney, requesting time on 5/9/07 agenda for public hearing on Council Resolution No. 07-30 for proposed Iraq War Resolution. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
24. 07-287 John Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
25. 07-288 John P. Walsh, Sheriff, requesting authorization for Chief Executive to sign Memo of Understanding regarding the School Resource Officer Program. **Recommendation: concur and place on file.**

26. 07-289 Mike Doto, Chief CVFD, requesting permission to file for a FEMA Grant for a used tender. **Recommendation: concur and place on file.**
27. 07-290 Jeffrey L. Miller, Director of Fire Services, requesting permission to apply for FEMA Assistance to Firefighters Grant. **Recommendation: concur and place on file.**
28. 07-291 Jeffrey L. Miller, Director of Fire Services, requesting permission to apply as a Host Department for a Regional FEMA Assistance to Firefighters Grant. **Recommendation: concur and place on file.**
29. 07-292 Paul Babb, Chief Executive, requesting concurrence in appointment of Mark Shutey to Planning Board. **Recommendation: concur and place on file**
30. 07-293 Paul Babb, Chief Executive, regarding concurrence in appointments to the Safety Committee. **Recommendation: concur and place on file.**
31. 07-294 Jeff Miller, Director of Fire Services, requesting authorization for Chief Executive to enter into contract with Fouts Brothers, Inc. **Recommendation: concur and place on file.**
32. 07-295 Mary McMahon, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
33. 07-296 Mary M. McMahon, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
34. 07-297 John VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
35. 07-298 Toby Day, Extension Office, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
36. 07-299 Herb Leuprecht, Envision Butte, requesting funding for Berkeley Pit Viewing Stand Project. **Recommendation: refer to Committee of the Whole Committee.**

37. 07-300 Bill Melvin, Civic Center Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
38. 07-301 Mary M. McMahon, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
39. 07-302 Blair L. Martenson, Department of Justice, requesting authorization for Chief Executive to sign Memorandum of Understanding/Waiver of Pass-Through Funds. **Recommendation: concur and place on file.**
40. 07-303 Stephen D. Hess, Acting Planning Director, requesting approval of Preliminary Plat of the Sawmill Minor Subdivision. **Recommendation: concur and place on file.**
41. 07-304 Lori Casey, Senior Planner, requesting approval of the Final Plat of the Whiskey Gulch Minor Subdivision. **Recommendation: concur and place on file.**
42. 07-305 Jeff Amerman, Finance and Budget Director, requesting authorization to apply and execute documents for the State of Montana Department of Justice, Board of Crime Control, Southwest Regional Juvenile Detention Grant. **Recommendation: concur and place on file.**
43. 07-306 Donna Newbry, Sales Consultant Wells Fargo Bank, requesting opportunity to put forth a proposal to establish credit card/debit card accounts for Butte-Silver Bow Departments. **Recommendation: refer to Finance and Budget Committee.**
44. 07-307 John C. VanDaveer, Director Public Works Department, requesting authorization for Chief Executive to enter into contract with Becker Landscaping for sidewalks within the URA District. **Recommendation: Concur and place on file.**

SECTION VI COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-308 Charlie O’Leary, regarding issues within the Beaverhead Deer Lodge National Forest Planning process.

SECTION VII ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 07-31

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE SUNSET NORTH MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-32

A RESOLUTION RESCINDING BUTTE-SILVER BOW COUNCIL RESOLUTION NO. 1762 WHICH AUTHORIZED THE SALE OF PARCEL NO. 1906355 TO ROBERT L. MC LAUGHLIN AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-33

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE SAWMILL MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 07-34

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE WHISKEY GULCH MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

**SECTION VIII ORDINANCES AND RESOLUTIONS –
FINAL READING**

**1. COUNCIL BILL NO. 06-2
ORDINANCE NO. 06-2**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPEED LIMIT;” ESTABLISHING A 35 MPH SPEED LIMIT ON HANSEN ROAD BEGINNING AT ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH AND

CONTINUING SOUTH TO A POINT 0.702 MILES ON THE SOUTH; ESTABLISHING A 25 MPH SPEED LIMIT ON HANSEN ROAD FROM A POINT 0.971 MILES SOUTH OF ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH TO HOLMES AVENUE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. ORDINANCE NO. 07-5

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 7 AND 53 AND CHAPTERS 2.48 AND 17.54 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BOARD OF ADJUSTMENT"; AMENDING SECTIONS 2.48.090 AND 17.54.090, b-SB MC; DELETING REFERENCE TO APPEAL TO THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 76-2-327, MCA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-10

A RESOLUTION APPROVING THE BUTTE-SILVER BOW DUI TASK FORCE PROGRAM FOR FISCAL YEAR BEGINNING 2007 AND APPROVING THE TRANSFER OF CERTAIN ASSETS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

4. COUNCIL RESOLUTION NO. 07-25

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED

5. COUNCIL RESOLUTION NO. 07-26

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 5 IN BLOCK 10 OF THE HILLCREST ADDITION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 07-28

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF HENRY STREET LYING SOUTH OF THE SOUTH LINE OF WEST COPPER STREET AND NORTH OF THE

NORTHERN BOUNDARY LINE OF THE LAURA FRACTION LODE, MINERAL SURVEY NO. 2499 BETWEEN BLOCKS 3 AND 4 OF THE VOLUNTEER NO. 2 ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

7. COUNCIL RESOLUTION NO. 07-29

A RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT NO. 1027 FOR THE PURPOSE OF MAINTAINING AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST OF MAINTAINING AND SUPPLYING ENERGY THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING, AND DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENT TO BE IN SEMI-ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUND UPON WHICH SAID SPECIAL IMPROVEMENT FUNDS SHALL BE DRAWN; WITHDRAWING ALL PROPERTY DESCRIBED IN EXHIBIT "A" FROM OTHER SPECIAL IMPROVEMENT LIGHTING ASSESSMENTS AND FINDING THE NECESSARY FACTS HEREIN.

SECTION IX CALENDAR OF OTHER MEETINGS AND EVENTS

May 7	Airport Authority	Noon	Bert Mooney Airport
May 9	Fair Board	5:30 PM	Business Development Center
May 9	Law Enforcement Commission	4PM	Chief Executive's Conference Room
May 9	Library	5PM	Library Building
May 14	Archives	Noon	Archives Center
May 15	Housing Authority	5:30 PM	Silver Bow Homes Housing
May 15	Parks & Recreation	4:15PM	Civic Center Conference Room
May 15	Technical Review Commission	1:30 PM	Water Co. Building
May 16	Community Enrichment	3:30PM	1 st Floor Conference Room
May 16	Parking Commission	4PM	Chief Executive's Conference Room

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT

APRIL 25, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

SECTION I

PUBLIC HEARING

TO HEAR COMMENTS ON THE PRELIMINARY PLAT OF THE SUNSET NORTH MAJOR SUBDIVISION BY BILL & SIDNI MARKOVICH. **Proof of publication was noted and placed on file.**

Steve Hess, Acting Planning Director, gave the staff report. Sunset North Major Subdivision is proposing to create 13 lots – 10 lots for urban residential development and 3 lots will be designated as open space. They will be serviced by public water and sewer.

Sarah Jones, 3005 Amherst of HKM Engineering, came to the microphone and to explain some of the things they want to make sure are included as part of the Preliminary Plat.

- a. In the staff analysis the open space requirement was defined as .733 acres of land. It has been recalculated and it should read .517 acres.
2. DEQ defines the Storm Event as a 2 year, 1 hour event. Wally Choquette has expressed to us that he will not hold us to anything more stringent than the DEQ Event.
3. At the Planning Board meeting there was quite a discussion on Protecting the flood plain from impacts of lawn fertilizers and such. There was a discussion about some sort of a buffer between yards and the flood plain. The 100-year flood plain is essentially the back lot line of each of these lots. The 500-year flood plain was shown encroaching on the lots. The conclusion of the Planning Board meeting was that lawns can be put in the 500-year flood plain but not the 100-year flood plain. That wording in the staff analysis has not yet been changed and so we just wanted to make it clear.
4. There currently exists a light pole on the intersection of Meadowlark and Green Lane. The Planning Department has indicated to us that since there is a light pole there, that condition can be removed.
4. A 10' utility easement is required on the front of the lot that is adjacent to Tranquility Lane. The issue with that was Northwestern Energy needs approximately ten feet to put a

transformer on the lot and they were concerned that if there were sidewalks in the right-of-way they won't have that 10 feet behind the back of the sidewalk. This subdivision will not have sidewalks and so that concern goes away.

Chairman O'Leary then opened the public meeting and called for any proponents. On the third and final call there being none, he then called for opponents. Again, there was no response so he closed the public hearing at 7:45 PM

SECTION I-A

COMMUNICATION NO. 07-118

John P. Walsh, Sheriff, requesting approval of DUI Task Force Plan and requesting resolution be drawn up by County Attorney. *Committee recommends that Communication No.07-118 be cross-referenced with Council Resolution No. 07-10 and placed on file.*

SECTION II

COMMUNICATION NO. 07-129

Lori Casey, Senior Planner, requesting conditional approval of Preliminary Plat of the Highland Ridge Minor Subdivision. *Committee recommends that Communication No. 07-129 be held in abeyance..*

SECTION III

COMMUNICATION NO. 07-159

Frank Walsh, Chairman An Ri' Ra Montana Irish Festival, requesting street closure from 6PM 8/9/07 through 6PM 8/12/07, reroute traffic for 5K and 10K races and use of Emma Park 8/12/07. *Committee recommends that Communication No. 07-159 be approved and placed on file.*

SECTION IV

COMMUNICATION NO. 07-187

Jeffrey L. Miller, Director of Fire Services, requesting public hearing be scheduled 4/18/07 to receive comment concerning amendment to budget for unanticipated revenue. ***Committee recommends that Communication No. 07-187 be placed on file.***

SECTION V

COMMUNICATION NO. 07-190

Robert A. Macioroski, Director Land Office, requesting County Attorney prepare a resolution and deed for transfer of Parcel No. 303850 to Butte-Silver Bow. ***Committee recommends that Communication No. 07-190 be cross-referenced with Council Resolution No. 07-27 and placed on file.***

SECTION VI

COMMUNICATION NO. 07-195

Mary J. McLaughlin, President, requesting time on 4/11/07 agenda to make a presentation regarding a replacement structure engine for Little Basin Creek Volunteer Fire Company. ***Committee recommends that Communication No. 07-195 be placed on file***

SECTION VII**COMMUNICATION NO. 07-197**

Jeffrey L. Miller, Director of Fire Services, requesting bid from Semo Tank/Baker be rejected and another bid opening be scheduled for 4/18/07. *Committee recommends that Communication No. 07-197 be placed on file.*

SECTION VIII**COMMUNICATION NO. 07-200**

Glen Ballenger, Christy Stack and Cathy Decker, regarding their request to purchase the remainder of the Amy Mining Claim, located in Walkerville. *Committee recommends that Communication No. 07-200 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 07-208**

Karen Byrnes, Director Community Development Department, requesting time on the 4/18/07 agenda to conduct a public hearing to create budget authority for grant funds awarded by Montana Historic Preservation Office. *Committee recommends that Communication No. 07-208 be placed on file.*

SECTION X**COMMUNICATION NO. 07-221**

Robert J. Whelan, Attorney at Law, requesting Developers Packet for lots 10 through 14 south of Eastside Athletic Club. *Committee recommends that Communication No. 07-221 be held in abeyance.*

SECTION XI**COMMUNICATION NO. 07-225**

Brad Borst, Montana Wilderness Association, requesting time on 5/2/07 agenda to make an informational presentation. *Committee recommends that Communication No. 07-225 be held in abeyance.*

SECTION XII**COMMUNICATION NO. 07-228**

Bill Melvin, Civic Center Manager, requesting public hearing for 5/2/07 to receive comment concerning amendment to the budget for unanticipated revenue. *Committee recommends that Communication No. 07-228 be held in abeyance.*

SECTION XIII**COMMUNICATION NO. 07-239**

George Everett, Mainstreet Uptown Butte, requesting permission to close 1 block of Main Street to hold Farmer's Market each Saturday from June 2, through September 29, 2007. **Committee recommends that Communication No. 07-239 be approved and placed on file.**

SECTION XIV**COMMUNICATION NO. 07-249**

Karen Byrnes, Director Community Development Department, requesting public hearing be set 5/2/07 to receive comments regarding prioritization of projects for allocation of Community Transportation Enhancement Program funds.
Committee recommends that Communication No. 07-249 be held in abeyance.

SECTION XV**COMMUNICATION NO. 07-259**

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Trust for a Land Exchange.
Committee recommends that Communication No. 07-259 be held in abeyance.
Refer to Land Office.

FINANCE & BUDGET COMMITTEE MEETING REPORT

APRIL 25, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows;

SECTION I COMMUNICATION NO. 07-142

Jeff Amerman, Finance and Budget Director, regarding request for \$174,712.00 loan payment to Butte Development Corporation. *Committee recommends that Communication No. 07-142 be held in abeyance and request legal opinion from County Attorney.*

SECTION II COMMUNICATION NO. 07-223

Karen Byrnes, Director Urban Revitalization Agency, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-223 be approved and placed on file*

SECTION III COMMUNICATION NO. 07-224

John C. VanDaveer, Public Works Department, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-224 be approved and placed on file.*

SECTION IV COMMUNICATION NO. 07-226

Cindy Lammi, Justice Court, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-226 be approved as amended and placed on file.*

SECTION V COMMUNICATION NO. 07-229

Robert A. Macioroski, Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-229 be approved as amended and placed on file.*

COMMUNICATION NO. 07-233

John C. VanDaveer, Director Public Works Department, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-233 be .*

SECTION VII

COMMUNICATION NO. 07-235

Jon Sesso, Planning Director, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-235 be approved and placed on file.

SECTION VIII

COMMUNICATION NO. 07-236

Jon Sesso, Planning Director, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-236 be approved and placed on file.

SECTION IX

COMMUNICATION NO. 07-237

Jon Sesso, Planning Director, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-237 be approved and placed on file.

SECTION X

COMMUNICATION NO. 07-244

John C. VanDaveer, Public Works Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 17-244 be approved and placed on file.*

SECTION XI

COMMUNICATION NO. 07-245

Jean Pentecost, Department of Public Works, requesting authorization for Chief Executive to enter into a “not to exceed” contract with MSE-Tetragenics. ***Committee recommends that Communication No. 07-260 be approved and placed on file.***

SECTION XII

COMMUNICATION NO. 07-260

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-260 be approved and placed on file.*

SECTION XIII

COMMUNICATION NO. 07-261

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-261 be approved and placed on file.*

SECTION XIV

EXPENDITURE APPROVAL

4/25/07

\$580,935.4

JUDICIARY COMMITTEE MEETING REPORT

APRIL 25, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I

COMMUNICATION NO. 06-673

Mark and Shirley Rule, regarding proposal to enter into 5-year lease and one 5-year renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. ***Committee recommends that Communication No. 06-673 be held in abeyance for two weeks.***

SECTION II

COMMUNICATION NO. 07-209

David B. Coleman, Commissioner District 8, requesting council support for a resolution. *Committee recommends that Communication No. 07-209 be placed on file.*

SECTION III

J. R. Richardson, Business Manager, Butte Public Schools, requesting council forgive property taxes on Parcel No. 1901770. *Committee recommends that Communication No. 07-740 be held in abeyance.*

SECTION IV

COMMUNICATION NO. 07-258

Robert and Jackie Rolison, requesting the illegal cement barriers put across a public mining road known as Whiteside Placer Road be removed within 10 days. ***Committee recommends that Communication No. 07-258 be held in abeyance.***

SECTION V **COUNCIL BILL NO. 06-2**
ORDINANCE NO. 06-2

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPEED LIMIT;” ESTABLISHING A 35 MPH SPEED LIMIT ON HANSEN ROAD BEGINNING AT ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH AND CONTINUING SOUTH TO A POINT 0.702 MILES ON THE SOUTH:

ESTABLISHING A 25 MPH SPEED LIMIT ON HANSEN ROAD FROM A POINT 0.971 MILES SOUTH OF ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH TO HOLMES AVENUE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 06-2, Ordinance No. 06-2 be placed on final reading and passed*

SECTION VI

**COUNCIL BILL NO. 07-5
ORDINANCE NO. 07-5**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 7 AND 53 AND CHAPTERS 2.48 AND 17.54 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BOARD OF ADJUSTMENT"; AMENDING SECTIONS 2.48.090 AND 17.54.090, b-SB MC; DELETING REFERENCE TO APPEAL TO THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 76-2-327, MCA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-5, Ordinance No. 07-5 be moved to final reading and passed*

SECTION VII

COUNCIL RESOLUTION NO. 07-10

A RESOLUTION APPROVING THE BUTTE-SILVER BOW DUI TASK FORCE PROGRAM FOR FISCAL YEAR BEGINNING 2007 AND APPROVING THE TRANSFER OF CERTAIN ASSETS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-10 be placed on second reading and passed.*

SECTION VIII

COUNCIL RESOLUTION NO. 07-13

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE HIGHLAND RIDGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-13 be held in abeyance for two weeks.*

SECTION IX

COUNCIL RESOLUTION NO. 07-25

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED. *Committee recommends that Council Resolution No. 07-25 be placed on second reading and passed*

SECTION X**COUNCIL RESOLUTION NO. 07-26**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 5 IN BLOCK 10 OF THE HILLCREST ADDITION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-26 be placed on second reading and passed.*

SECTION XI**COUNCIL RESOLUTION NO. 07-28**

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF HENRY STREET LYING SOUTH OF THE SOUTH LINE OF WEST COPPER STREET AND NORTH OF THE NORTHERN BOUNDARY LINE OF THE LAURA FRACTION LODE, MINERAL SURVEY NO. 2499 BETWEEN BLOCKS 3 AND 4 OF THE VOLUNTEER NO. 2 ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. *Committee recommends that Council Resolution No. 07-28 be placed on second reading and passed*

SECTION XII**COUNCIL RESOLUTION NO. 07-29**

A RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT NO. 1027 FOR THE PURPOSE OF MAINTAINING AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST OF MAINTAINING AND SUPPLYING ENERGY THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING, AND DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENT TO BE IN SEMI-ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUND UPON WHICH SAID SPECIAL IMPROVEMENT FUNDS SHALL BE DRAWN; WITHDRAWING ALL PROPERTY DESCRIBED IN EXHIBIT "A" FROM OTHER SPECIAL IMPROVEMENT LIGHTING ASSESSMENTS AND FINDING THE NECESSARY FACTS HEREIN. *Committee recommended that Council Resolution No. 07-29 be placed on second reading and passed.*

SECTION XIII

COUNCIL RESOLUTION NO. 07-30

A RESOLUTION URGING THE CESSATION OF WAR AND COMBAT OPERATIONS IN IRAQ; FOR THE RETURN OF AMERICAN TROOPS; FOR FULL FUNDING OF VETERANS' PROGRAMS TO MEET THE NEEDS OF AMERICAS' VETERANS, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-30 be held in abeyance for 5/16/07 for final passage. Schedule a public hearing on May 9th. Publish on May 3rd and May 9th with the whole body voting on 5/16/07*

PUBLIC WORKS COMMITTEE REPORT

APRIL 25, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 05-66

Charlie O'Leary, Commissioner District 5, requesting speed limits and urban highway designations on a portion of Western Boulevard and also Meadowlark. *Committee recommends that Communication No. 05-66 be held in abeyance. County Attorney preparing ordinance.*

SECTION II COMMUNICATION NO. 06-661

Jon Sesso, Planning Director, requesting council prioritize Road Improvement Project – intersection of Beef Trail Road and Little Basin Creek Road. *Committee recommends that Communication No. 06-661 be held in abeyance.*

SECTION III COMMUNICATION NO. 06-701

Marko Lucich, Executive Director Chamber of Commerce, requesting time on the Public Works Agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand). *Committee recommends that Communication No. 06-701 be held in abeyance.*

SECTION IV PETITION NO. 07-1

John Harrington, Building Official, requesting on behalf of Steve and Sharon Wilson to close a vacate a portion of Henry Street. *Committee recommends that Petition No. 07-1 be cross-referenced to Council Resolution No. 07-28 in Judiciary and hold in abeyance.*

SECTION V COMMUNICATION NO. 07-165

Cindi Shaw, Commissioner District 11, regarding request for review off traffic concerns on E. Woolman Street. *Committee recommends that Communication No. 07-165 be held in abeyance.*

SECTION VI

COMMUNICATION NO. 07-247

John W. Althof, Rail/Highway Safety Manager, regarding results of 2006 inventories at -grade Railroad crossings along Butte-Silver Bow rail lines. *Committee recommends that Communication No. 07-247 be forwarded to Public Works Department to review request and report back to the Public Works Committee on their recommendation.*

PERSONNEL COMMITTEE MEETING REPORT

APRIL 25, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Personnel Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 06-730**

Jeff Amerman, Finance and Budget Director, requesting time on 12/20/07 agenda to make an informational report on payroll issues. ***Committee recommends that Communication No. 06-730 to hold Communication No. 06-730 in abeyance and also recommend the Personnel Office, Sheriff, Fire Services and Library as the County Attorney to appoint a civil attorney to review current differences in those respective decisions from the BSB Policy Manual and possibly state and federal law and develop recommendations to refer back to the Personnel Committee for approval. The Personnel Committee will hold this matter in Committee until recommendations are received.***

SECTION II **COMMUNICATION NO. 07-242**

Mary M. McMahon, Clerk and Recorder, requesting possible sick leave transfers for Sandy Parini – Land Records Division. *Committee recommends that Communication No. 07-242 be approved and placed on file.*